

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 23, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NITROCREAM LLC,

Plaintiff,

v.

CHILL-N NITROGEN ICE CREAM
FRANCHISING LLC, d/b/a CHILL-N
NITROGEN ICE CREAM and/or
CHILL N7 NITROGEN ICE CREAM;
CHILL-N ICE CREAM LLC; and
BUZZED BULL HOLDINGS LLC,

Defendants.

No. 2:24-cv-00199-MKD

ORDER GRANTING
STIPULATED MOTION TO
TRANSFER VENUE

ECF No. 43

Before the Court is a Stipulation to Transfer Venue filed by Plaintiff NitroCream LLC and Defendants Chill-N Nitrogen Ice Cream Franchising LLC and Chill-N Ice Cream LLC (the “Chill-N Defendants”), ECF No. 43. The Court previously concluded that Plaintiff’s claims against the Chill-N Defendants lacked a proper basis for venue and personal jurisdiction in the Eastern District of Washington and directed the parties to submit briefing on the appropriate disposition of this matter under 28 U.S.C .§ 1406(a). ECF No. 42 at 23. Plaintiff

1 and the Chill-N Defendants stipulate to the transfer of this case to the United States
2 District Court for the Southern District of Florida.

3 “The district court of a district in which is filed a case laying venue in the
4 wrong division or district shall dismiss, or if it be in the interest of justice, transfer
5 such case to any district or division in which it could have been brought.”

6 28 U.S.C. § 1406(a). The Southern District of Florida appears to be a district in
7 which this case could have been brought, based on the parties’ stipulation to this
8 forum and the factual record before the Court. *See, e.g.*, ECF No. 23 at 7-8

9 (“[B]oth of the Chill-N entities named as Defendants in this suit have principal
10 addresses in Miami, Florida and they are therefore amenable to service within the
11 jurisdiction of the Southern District of Florida.”).

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. Plaintiff’s and the Chill-N Defendants’ Stipulation to Transfer Venue,
14 **ECF No. 43**, is **GRANTED**.

15 2. Pursuant to 28 U.S.C. § 1406(a) and in the interest of justice,
16 **Plaintiff’s action against the Chill-N Defendants shall be TRANSFERRED to**
17 **the Southern District of Florida.** The Clerk of Court is directed to take the
18 necessary steps to effect this transfer.

19 a. The Court previously severed Plaintiff’s action against the Chill-N
20 Defendants from Plaintiff’s action against Defendant Buzzed Bull

1 Holdings LLC. ECF No. 42 at 22. **Plaintiff's action against**
2 **Defendant Buzzed Bull Holdings LLC shall remain pending in**
3 **this District and under this case number.**

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order; provide copies of this order to counsel; **TRANSFER** the file for Plaintiff's
6 claims against the Chill-N Defendants to the Southern District of Florida; and
7 **TERMINATE** the Chill-N Defendants from this matter.

8 **DATED** June 6, 2025.

9 *s/Mary K. Dimke*
10 MARY K. DIMKE
11 UNITED STATES DISTRICT JUDGE
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